

aspects of any applicable rules, regulations or statutes relative to the providing of Link Up/Lifeline programs.

5. *Short-term promotions, which are those offered for ninety (90) days or less, are not subject to mandatory resale. Promotions that are offered for more than ninety (90) days must be made available for resale, at the Commission established discount, with the express restriction that TSPs shall only offer a promotional rate obtained from the ILEC for resale to those customers who would qualify for the promotion if they received it directly from the ILEC.*

6. *"Grandfathered services" (services available only to a limited group of customers that have purchased the service in the past) are available for resale by TSPs to the same limited group of customers that have purchased the service in the past.*

C. TSPs shall revise their existing tariffs to remove ~~any~~ *the* prohibitions *not allowed by this Section* on the resale of unbundled retail features, functions, capabilities and services, and bundled retail services within thirty (30) days of the effective date of these Regulations. TSPs filing initial tariffs shall not include in such tariffs any prohibitions *not allowed by this Section* on resale of unbundled retail features, functions, capabilities and services, and bundled retail services.

D. During the transition to a competitive local telecommunications market, ILEC unbundled retail features, functions, capabilities and services, and bundled retail services, including vertical features, shall be tariffed and provided to other TSPs at reasonable wholesale rates. Avoided costs studies will be used by the Commission to determine costs avoided by an ILEC when an ILEC's unbundled retail features, functions, capabilities and services, and bundled retail services, including vertical features, are resold by another TSP, and to establish a wholesale discount percentage. An ILEC's tariffed wholesale resale rates will be determined by discounting the ILEC's retail rates by the wholesale discount percentage. There is no mandate that resold services be provided by an ILEC to TSPs at the ILEC's TSLRIC or LRIC of providing such services.

E. As of the effective date of these Regulations, and as an interim measure until the tariffed wholesale resale rates are developed pursuant to subsection D above, the wholesale resale rates of an ILEC shall be the ILEC's current tariffed retail rates reduced by 10% to encourage and promote competition in the local telecommunications markets, and to reflect the ILEC's avoidance of retail costs, including but not limited to, sales, marketing and customer services associated with the resold items. ILEC services currently tariffed and provisioned below cost shall be available for wholesale resale in the manner described above. If deemed necessary by the Commission to ensure universal service, a subsidy mechanism may be established in Subdocket A of Docket U-20883,

which would be available to an ILEC reselling services shown to be provisioned below cost for public interest purposes.

F. An ILEC shall make available non-discriminatory online access to the ILEC's operating systems at a reasonable cost-based charge per database dip to TSPs that desire to resell ILEC features, functions, capabilities and services. This access shall be made available according to the following guidelines: 1) within sixty (60) days of receipt of a bona fide request, the ILEC shall make the requested access available at a reasonable cost-based charge agreed to between the parties, or 2) if within sixty (60) days of receipt of a bona fide request, an agreement is not reached between the parties, or the ILEC responds that the request is not technically and/or economically feasible to provide, the matter will be resolved by the Commission upon petition of either party. As part of the Commission's review of the matter, the ILEC shall provide TSLRIC and LRIC studies to the Commission which show the costs of providing the requested access, including a detailed explanation of why the requested access is not technically or economically feasible to provide the requesting TSP.

G. Access shall be available to the following:

1. Direct, on-line access to the ILECs' mechanized order entry system. Access shall be considered adequate when the provided access permits the reseller to access an ILEC's mechanized order entry system to place initial orders, access information concerning service and feature availability, modify orders previously entered, schedule the installation of services and any necessary equipment, and to check on the status of all transactions that the reseller has initiated in a manner at least as efficient as the access provided the ILEC's own employees.
2. On-line access to numbering administration systems and to numbering resources.
3. Direct on-line access to the ILECs' trouble reporting and monitoring systems. Access is considered adequate if reseller can directly access remote line testing facilities, report service problems, schedule premise visits where required, and check the status of repairs. Arrangement must also provide for interception and automatic forwarding of repair calls placed by reseller customers to the reseller.
4. Customer usage data. Resellers must be provided timely on-line and printed reports pertaining to the Reseller's customers usage of ILEC local calling and switched access services.
5. To local listing databases and updates. Resellers should be able to add, modify and delete directory listings for the Reseller's customers via on-line access to the ILEC's directory database, and new reseller customers' listings should be

available from Directory Assistance on precisely the same basis and in the same time frame as applies for new ILEC retail subscribers.

This access shall equal that provided to the ILECs' own personnel. The Commission and its Staff will monitor the progress, or lack thereof, made in this area, and, if deemed necessary after notice and hearing, will impose an additional transitional resale discount on an ILEC's features, functions, capabilities and services until an ILEC's operating systems are accessible by TSPs on the terms specified herein.

H. No TSP shall access the customer proprietary network information ("CPNI") of another interconnecting TSP for the purpose of marketing its services to the interconnecting company's customers. Likewise, no TSP shall access the CPNI of a company reselling its services, without permission of the reseller, for the purpose of marketing services to the reseller's customers.

I. All ILECs shall offer an optional, unbundled version of their retail services that allows the reseller to use its own operator services and directory assistance services.

J. All ILECs shall offer these resold services to the resellers *which utilize the ILEC's operators as "unbranded" services until such time as selective routing is technically feasible, as determined by the Commission.*

K. *An ILEC shall advise TSPs reselling the ILEC's services at least forty-five (45) days in advance of any changes in the terms and conditions under which it offers telecommunications services to subscribers who are non-TSPs including, but not limited to, the introduction or discontinuance of any feature, function, service or promotion. To the extent that revisions occur between the time the ILEC notifies TSPs reselling the ILEC's services of the change, the ILEC shall immediately notify such TSPs of the revisions consistent with the ILEC's internal notification process. The ILEC shall not be held responsible for any cost incurred by a TSP as a result of such revisions, unless such costs are incurred as a result of the ILEC's intentional misconduct. The Commission reserves the right to impose a fine or other penalty, after notice and hearing, upon an ILEC for such intentional misconduct. TSPs are expressly precluded from utilizing the notice given by the ILEC under this section to market its resold offering of such services in advance of the ILEC.*

L. *Upon receipt of a bona fide request, an ILEC shall provide a requesting TSP with a customized electronic interface to its databases. The ILEC shall provide the requested customized electronic interface within twelve (12) months of the date that the requesting TSP provides the ILEC with specifications for the interface it desires. All costs prudently incurred by the ILEC in developing this customized electronic interface shall be borne by the TSP requesting such interface. Any other TSP utilizing such electronic interface shall reimburse the requesting TSP for its cost incurred relative to the development of such*

electronic interface on a pro-rata basis determined on actual usage. The pro rata basis will be determined by the Commission when TSPs cannot agree on the relative usage.

APPENDIX D

Proposed Interim Rates for Unbundled Network Elements

Network Interface Device	\$	0.68	
Local Loop			
Including NID	\$	19.08	
Excluding NID	\$	18.40	
Local Switching			
2-wire per port	\$	2.15	
2-wire hunting	\$	0.23	
Local Usage-Per Minute	\$	0.001599	
Operator Systems			
Directory Assistance	\$	0.2187	
DA Call Completion	\$	0.0170	
Intercept Services	\$	0.0201	
DA Transport			
Switched Common Transport Per Call	\$	0.000204	
Switched Common Transport Per Call Mile	\$	0.000003	
Access Tandem Per Call	\$	0.000820	
Dedicated Transport			Per Mile
Mileage Band	Fixed Cost		Cost
0-8	\$ 12.61	\$	0.0027
9-25	\$ 13.01	\$	0.0314
>25	\$ 13.24	\$	0.0463
Common Transport Per Mile	\$	0.000324	
Tandem Switching Per Minute	\$	0.001231	
Signaling Links/STPs			
56 Kbps-A Link and D Link	\$	3.27	
ISUP Message	\$	0.0000035	
TCAP Message	\$	0.0000120	
STP-Port	\$	87.59	

**BEFORE THE
LOUISIANA PUBLIC SERVICE COMMISSION**

**SPECIAL ORDER
(Dated July 15, 1998)**

In Re: Application by BellSouth Corporation, *et al.* Pursuant to Section 271 of the Communication Act of 1934, as amended, To Provide In-Region, InterLATA Services In Louisiana

During the regular public meeting of the Louisiana Public Service Commission
Commissioner Blossman made the following motion:

"I'd just like to make a motion to direct staff to file comments in support of BellSouth's 271 application to the FCC to allow BellSouth into the long distance market."

This motion was seconded by Commissioner Sittig whereupon Chairman Owen inquired about any discussion. Commissioner Fields then stated:

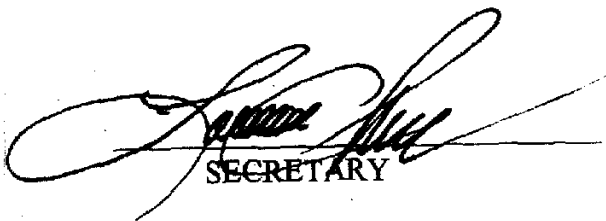
"Since I voted about a year ago, I didn't think BellSouth had complied with the Act. I would like to state for the record, in the event the comments don't get in on time, that in view of the fact that the work that BellSouth has done on their OSS system, the fact that we have performance and measurement standards that are interim at the time, that we will be making a decision on final ones in August. The fact that they make the CSA available for resale along with SBA's I feel that they have earned my vote and my support and I want to go on the record that I am supporting it "

Upon completion of Commissioner Fields comment the Commission voted by a 4 to 1 vote (Owen dissenting) to be approved.

Wherefore, it is ORDERED that the Louisiana Public Service Commission Staff file comments in support of BellSouth 271 Application.

BY ORDER OF THE COMMISSION
BATON ROUGE, LOUISIANA
July 15, 1998

/S/ DON OWEN
DON OWEN, CHAIRMAN
DISTRICT V



SECRETARY

/S/ JAMES M. FIELD

JAMES M. FIELD, COMMISSIONER
DISTRICT II

/S/ JACK A. BLOSSMAN JR.

JACK A. BLOSSMAN JR., COMMISSIONER
DISTRICT I

LOUISIANA PUBLIC SERVICE COMMISSION

EX PARTE

ORDER NO. U-22252-B

Docket No. U-22252 - In re: Consideration and review of BellSouth Telecommunication, Inc.'s preapplication compliance with Section 271 of the Telecommunications Act of 1996, including but not limited to the fourteen requirements set forth in Section 271(c)(2)(B) in order to verify compliance with Section 271 and provide a recommendation to the Federal Communications Commission regarding BellSouth Telecommunication, Inc.'s application to provide interLATA services originating in-region.

(Decided at the June 18, 1998 Open Session)

In August of 1997, this Commission voted to approve BellSouth Telecommunications, Inc.'s (BST) Statement of Generally Available Terms and Conditions (SGAT) under Section 252(f) of the Telecommunications Act of 1996 (the "Act") subject to specific, LPSC required amendments. The Commission issued Order No. U-22252-A on September 5, 1997 which contained the Commission findings and required modifications. BST filed a modified SGAT on September 10, 1997 consistent with LPSC requirements. BST then filed an application with the FCC requesting authority to provide in-region interLATA exchange services relying partially upon the LPSC approval of the BST SGAT.

On February 4, 1998, the FCC issued an order rejecting BST's application to provide in-region interLATA exchange services. The FCC rejected the Application in part because BST failed to make its contract service arrangements (CSA) available for resale at a wholesale discount and because BST failed to demonstrate that it offers nondiscriminatory access to its operations support systems (OSS).

On April 30, 1998, BST filed a second modification to its SGAT with the LPSC, the subject of this item on the agenda. The SGAT amendments make CSAs available for resale at the wholesale discount set by the LPSC in Docket No. U-22020.¹ In addition, BST requested that a proceeding be commenced to establish a CSA-specific resale discount.² BST finally proposes to incorporate into its SGAT service quality performance measurements consistent with the Georgia Public Service Commission ("GPSC") Staff Recommendation, adopted by the GPSC.

With respect to the CSA issue, the current Commission regulations, the Regulations For Competition in the Local Telecommunications Market ("Local Competition Regulations")³ and the Resale Docket Order No. U-22091 are not consistent with the SGAT or the FCC decision. The Regulations provide that the CSAs placed as of January 28, 1997 are exempt from mandatory resale, and all CSAs entered into after that date will be subject to resale at no discount. For the filed SGAT amendments to be approved, these above referenced regulations should be amended.

¹ See, Louisiana Public Service Commission, Ex Parte. In Re: Review and Consideration of BellSouth Telecommunications, Inc.'s Resale Costs Study Submitted Pursuant to Section 1101(D) of the Regulations for Competition in the Local Telecommunications Market

The same logic follows with respect to Special Billing Arrangements (SBA) found in Order Nos. U-22020 and U-22091. This Commission decided at the March 1998 Business and Executive Session as stated in Order No. U-22091 that SBAs were similar to CSAs and, thus, should be treated like CSAs under the Commission's Local Competition Regulations. Because of this decision, the Commission should also amend those portions of Order Nos. U-22020 and U-22091 concerning SBAs. Staff indicated there appeared to be no opposition to the offering at a discounted rate.

With respect to the Service Quality Performance Measurements, Staff found that a Docket should be opened and a hearing had to determine what specific Performance Measurements are appropriate for this State. This issue is significant for the State of Louisiana and staff indicated it should be addressed through a rule making proceeding. Furthermore, Staff had insufficient information in the record from any party or intervenor warranting a recommendation or a denial of the adequacy of the proposed regulations or of Georgia's regulations. However, staff indicated if regulations were adopted at this stage, Staff recommended the adoption of Georgia's Service Quality Performance Measurements as stated in Georgia Docket No. 7892-U to the extent they are not in contradiction with any LPSC regulations. Furthermore, Staff recommended a hearing to address the adequacy of those regulations adopted to ensure the needs and interests of the consumers and industry in the state of Louisiana are met.

Staff recommended (1) that the Commission adopt those revisions as amended by BST for CSAs and SBAs making CSAs and SBAs immediately available for resale at the current discount rate of 20.72% as established under Order U-22020; (2) that the Commission adopt the Georgia Service Quality Performance Measurements as stated in Georgia Docket No. 7892-U; (3) that the Commission amend the Regulations for Competition in the Local Telecommunications Market, Section 1101 (C) (2) with respect to CSAs, (4) that the Commission amend Commission Order U-22091(B) with respect to SBAs to provide that SBAs will be available for resale consistent with all provision for CSAs; (5) that the Commission amend Commission Order U-22020 to require a wholesale discount rate of 20.72 apply to CSAs and SBAs until such time as this Commission determines whether a CSA and SBA specific discount is necessary, and if so, the amount ; (6) that the Commission open two dockets, one to address whether there is a need for a CSA/SBA-specific resale discount and if so, to hold a hearing before an ALJ to determine the appropriate discount for CSAs and SBAs, and the other to address a rule making proceeding concerning the Service Quality Performance Measurements.

This matter was considered at the Commission's Open Session held on June 18, 1998. On motion of Commissioner Field and seconded by Commissioner Owen, and adopted by a vote of 3 to 2, the Commission voted to accept the staff recommendation subject to Commissioner Field's amendments which include the following:

(1) that Staff recommendation No. (2) be changed to read as follows: that the Commission adopt on an interim basis the Service Quality Performance Measurements and Standards filed by BellSouth Telecommunications, Inc. in this matter. The filing includes the State of Georgia Service Quality Performance Measurements as stated in Georgia Docket no. 7892 - U; measurements and standards as suggested by the FCC; together with the measurements and standards suggested by the Department of Justice in connection with the Oklahoma 271 case.

And

(2) that Staff recommendation No. (6) be changed to read as follows: that the Commission open two dockets both to be opened and completed as expeditiously as possible, one to address whether there

IT IS THEREFORE ORDERED:

- 1) that the Commission adopt those revisions as amended by BST for CSAs and SBAs making CSAs and SBAs immediately available for resale at the current discount rate of 20.72% as established under Order U-22020;
- (2) that the Commission adopt on an interim basis the Service Quality Performance Measurements and Standards filed by BellSouth Telecommunications, Inc., in this matter. The filing includes the State of Georgia Service Quality Performance Measurements as stated in Georgia Docket no. 7892 - U; measurements and standards as suggested by the FCC; together with the measurements and standards suggested by the Department of Justice in connection with the Oklahoma 271 case.
- (3) that the Commission amend the Regulations for Competition in the Local Telecommunications Market, Section 1101 (C) (2) with respect to CSAs;
- (4) that the Commission amend Commission Order U-22091(B) with respect to SBAs to provide that SBAs will be available for resale consistent with all provision for CSAs;
- (5) that the Commission amend Commission Order U-22020 to require a wholesale discount rate of 20.72% apply to CSAs and SBAs until such time as this Commission determines whether a CSA and SBA specific discount is necessary, and if so, the amount;
- (6) that the Commission open two dockets both to be opened and completed as expeditiously as possible, one to address whether there is a need for a CSA/SBA-specific resale discount and if so, to hold a hearing before an ALJ to determine the appropriate discount for CSAs and SBAs, and the other shall be a rule making proceeding to evaluate the interim Service Quality Performance Measurements and Standards adopted in this Order. The Commission requires that the rule making proceeding be held and a Staff Recommendation addressing final Service Quality Performance Measurements and Standards be submitted prior to the Commission meeting on August 19, 1998.

IT IS SO ORDERED.

**BY ORDER OF THE COMMISSION
BATON ROUGE, LOUISIANA**

July 1, 1998

/s/ DON OWEN
CHAIRMAN DON OWEN
DISTRICT V

IRMA MUSE DIXON DISSENTS
VICE CHAIRMAN IRMA MUSE DIXON
DISTRICT III

/s/ C. DALE SITTIG
C. DALE SITTIG, COMMISSIONER
DISTRICT IV

/s/ JAMES M. FIELD